

Appl. No. 10/748,887
Amdt. Dated July 27, 2005
Reply to Final Office Action of November 24, 2004

07/29/05

DA CS
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CERTIFICATE OF EXPRESS MAILING

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Date of Deposit July 27, 2005

I hereby certify that this correspondence, fee, and all accompanying papers, if any, are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Marilyn Zartler

July 27, 2005

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/748,887
Applicant : Jürgen Engel and Manfred Peukert
Filed : July 30, 2002
Title : USE OF LHRH ANTAGONISTS IN DOSES THAT DO NOT CAUSE
 CASTRATION FOR THE T-CELL MEDIATED IMMUNITY
TC/A.U. : 1647
Examiner : Galvez, James J.
Docket No. : 103832-512NP

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir or Madam:

Enclosed for filing in the above-identified application are the following items:

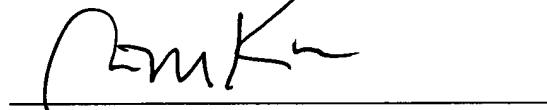
1. Petition for Revival of Unintentional Abandonment
2. Supplemental Statement Establishing Unintentional Delay;
3. Petition for Extension of Time;
4. Amendment and Response to Non-Final Office Action; and
5. Return receipt post card.

Total number of pages: 20 + postcard

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment, to Goodwin Procter LLP Deposit Account No. 06-0923.

Dated: July 27, 2005

Respectfully submitted for Applicant,



Ann-Marie Koss
Reg. No. 54,237
GOODWIN PROCTER LLP
599 Lexington Avenue
New York, NY 10022
(212) 459-7434

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
103832-512NP

First named inventor: Jürgen Engel and Manfred Peukert

Application No.: 10/748,887

Art Unit: 1647

Filed: July 30, 2002

Examiner: Galvez, James J.

Title: USE OF LHRH ANTAGONISTS IN DOSES THAT DO NOT CAUSE
CASTRATION FOR THE T-CELL MEDIATED IMMUNITY

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee --required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1,330 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of response to non-final office action and extension of time (identify type of reply):

has been filed previously on _____
 is enclosed herewith.

B. The issue fee of \$ _____ | 08/01/2005 MAHMED1 00000020 060923 10748887
 has been paid previously on _____ | 01 FC:1453 1500.00 DA
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

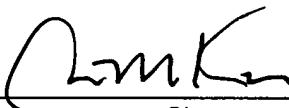
A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

7/27/05

Date



Signature

Telephone
Number: (212) 459-7434

Ann-Marie Koss

Typed or printed name

Goodwin Procter, LLP

Address

599 Lexington Ave. NY, NY 10019

Address

Enclosures: Fee Payment

Reply

Terminal Disclaimer Form

Additional sheets containing statements establishing unintentional delay

Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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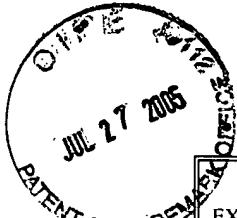
7/27/05

Date



Signature

MARILYN ZARTLER
Type or printed name of person signing certificate



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EXPRESS MAIL Mailing Label Number: **EL 753209364 US**

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Marilyn Zastler

Signature of sender

July 27, 2005

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P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL STATEMENT ESTABLISHING UNINTENTIONAL DELAY

Sir or Madam:

Applicant hereby petitions the Commissioner under 37 § C.F.R. 1.137(a) to revive the above-identified application which was unintentionally abandoned on June 24, 2005 for failure to respond to the non-final Office action mailed on November 24, 2005. The circumstances of this abandonment are attributed to confusion with the intraoffice docketing of our law firm and exchanging timely communications with the Applicant regarding the Office action.

To complete this Petition, Applicants have filed a proper response to the outstanding non-final Office action, as well as a petition for extension of time. The other

requirement to support Applicants' petition is the petition fee of \$1,330.00 which can be debited from Goodwin Procter LLP Deposit Account No. 06-0923.

The Commissioner is authorized to charge any required fees, including any extension and/or excess claim fees, any additional fees, or credit any overpayment, to Goodwin Procter LLP Deposit Account No. 06-0923.

Respectfully submitted for Applicant,



Ann-Marie Koss (Reg. No. 54,237)
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